

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR APPROVAL OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY FOR ENVIRONMENTAL	)	CASE NO.
PROJECT CONSTRUCTION AT THE	)	2021-00004
MITCHELL GENERATING STATION, AN	)	
AMENDED ENVIRONMENTAL COMPLIANCE	)	
PLAN, AND REVISED ENVIRONMENTAL	)	
SURCHARGE TARIFF SHEETS	)	

ORDER

On June 2, 2021, Kentucky Power Company (Kentucky Power) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for attachments to Kentucky Power's responses to Commission Staff's Third Request for Information (Staff's Third Request), Items 1 and 2. The designated material contains detailed information regarding Kentucky Power's and American Electric Power Company, Inc.'s strategic review regarding a potential sale of Kentucky Power.

In support of its motion, Kentucky Power asserted that the designated material contains information that is highly confidential and is subject to a nondisclosure agreement. Kentucky Power argued that public disclosure of the designated material could adversely impact the fairness and outcome of the strategic review.

Having considered the motion and the material at issue, the Commission finds that the designated material contained in attachments to Kentucky Power's response to Staff's

Third Request, Items 1 and 2, is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's June 2, 2021 motion for confidential treatment for the designated material contained in attachments to Kentucky Power's response to Staff's Third Request, Items 1 and 2 is granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

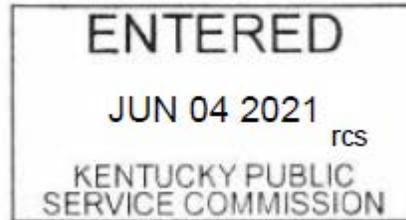
4. Kentucky Power shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kentucky Power shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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By the Commission



ATTEST:

  
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